

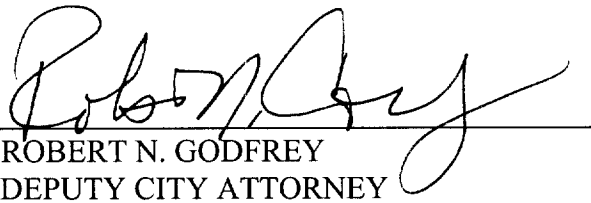
Entered - 03-13-02 - sb  
CL 02L0214- ALEXIS HOLMES

CLAIM OF: **MAGNUS MAGWOOD**  
8799 Eastbourne Drive  
Jonesboro, Georgia 30238

**02-R-0638**

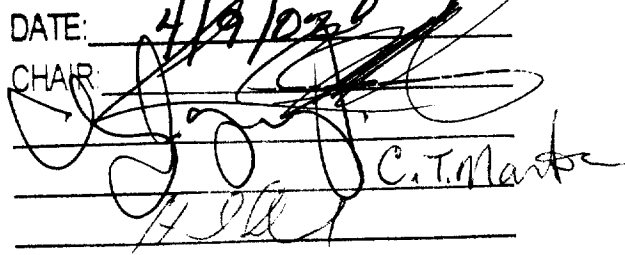
For vehicular damages alleged to have been sustained as a result of driving over a pothole in the road on February 9, 2002 at 1391 Moreland Avenue, SE.

THIS ADVERSE REPORT IS APPROVED

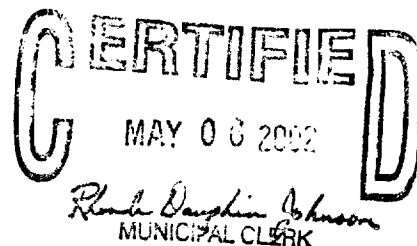
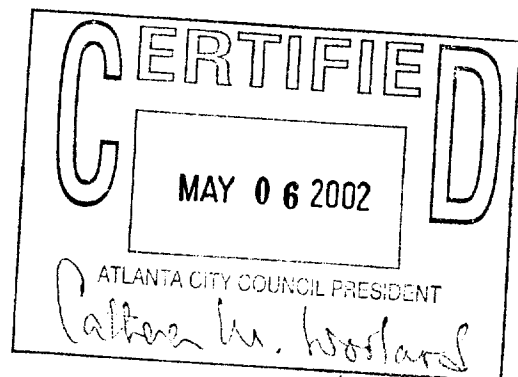
BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

**ADVERSE REPORT**

COMM: Public Safety  
DATE: 4/19/02  
CHAIR:   
C.T. Martin  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADVERSED BY  
CITY COUNCIL MAY 06





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

May 21, 2002

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

**FORIS WEBB, III  
DEPUTY MUNICIPAL CLERK**

**Magnus Magwood  
8799 Eastbourne Drive  
Jonesboro, GA 30238**

**02-R-0638**

Dear Mr. Magwood:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 6, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0214

Date: 03/25/02

Claimant /Victim MAGNUS MAGWOOD

BY: (Atty) \_\_\_\_\_

Address: 8799 Eastbourne Drive Jonesboro, Georgia 30238

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 178.64 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 2/25/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 2/9/02 Place: 1391 Moreland Avenue, SE

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when he ran over a pothole in the road. An investigation determined that the road where the claimant incurred damages is a Georgia State Department of Transportation road, and it is not the responsibility of the City of Atlanta. The claim has been referred to the Georgia State Department of Transportation, and the claimant has been advised to pursue resolution of his damages with the Georgia State Department of Transportation.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written X Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams X Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

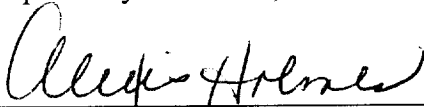
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_


Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 03 26 02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3723  
5/06/02  
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507; 02-O-0668  
02-R-0701; 02-O-0594; 02-O-0675; 0584  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0701  
02-O-0584  
02-O-0594  
02-O-0675  
02-O-0668

CONSENT I

		05/06/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0666	34. 02-R-0613	47. 02-R-0625
2. 02-O-0678	35. 02-R-0614	48. 02-R-0626
3. 02-O-0681	36. 02-R-0615	49. 02-R-0627
4. 02-O-0684	37. 02-R-0616	50. 02-R-0628
5. 02-O-0487	38. 02-R-0617	51. 02-R-0629
6. 02-O-0491	39. 02-R-0618	52. 02-R-0630
7. 02-O-0686	40. 02-R-0619	53. 02-R-0631
8. 02-O-0687	41. 02-R-0620	54. 02-R-0632
9. 02-O-0688	42. 02-R-0621	55. 02-R-0633
10. 02-O-0086	43. 02-R-0622	56. 02-R-0634
11. 02-O-0672	44. 02-R-0623	57. 02-R-0635
12. 02-O-0689	45. 02-R-0624	58. 02-R-0636
13. 02-O-0563	46. 02-R-0700	59. 02-R-0637
14. 02-O-0673		60. 02-R-0638
15. 02-O-0674		61. 02-R-0639
16. 02-R-0512		62. 02-R-0640
17. 02-R-0680		63. 02-R-0641
18. 02-R-0598		64. 02-R-0642
19. 02-R-0697		65. 02-R-0643
20. 02-R-0600		66. 02-R-0644
21. 02-R-0658		67. 02-R-0645
22. 02-R-0702		68. 02-R-0646
23. 02-R-0480		69. 02-R-0647
24. 02-R-0507		70. 02-R-0648
25. 02-R-0501		71. 02-R-0649
26. 02-R-0604		72. 02-R-0650
27. 02-R-0704		73. 02-R-0651
28. 02-R-0607		74. 02-R-0652
29. 02-R-0608		75. 02-R-0653
30. 02-R-0609		76. 02-R-0654
31. 02-R-0610		77. 02-R-0655
32. 02-R-0611		78. 02-R-0656
33. 02-R-0612		79. 02-R-0657